

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:08-CV-116-D

JEANETTE E. NEWMAN, and)
NORMA E. REGISTER,)
)
)
Plaintiffs,)
)
v.)
)
FIRST MONTAUK FINANCIAL CORP.,)
FIRST MONTAUK SECURITIES CORP.,)
KENNETH R. BOLTON,)
VICTOR K. KURLAK, and)
CELESTE M. LEONARD,)
)
Defendants.)

ORDER

On December 16, 2010, First Montauk Financial Corporation, First Montauk Securities Corp., Kenneth R. Bolton, and Victor K. Kurlak (collectively "First Montauk") filed a motion to lift the stay in this case in order to permit plaintiffs Jeannette E. Newman and Norma E. Register ("plaintiffs") to litigate their underlying claims against First Montauk [D.E. 87]. Essentially, First Montauk argues that plaintiffs have waived their right to arbitrate. On December 28, 2010, plaintiffs responded in opposition [D.E. 89]. On January 20, 2011, First Montauk replied [D.E. 92].

The court has reviewed the record. Plaintiffs have not waived their right to arbitrate. Thus, the motion to lift the stay [D.E. 87] is DENIED.

SO ORDERED. This 16 day of February 2011.


JAMES C. DEVER III
United States District Judge